

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Hours of Operation: 8:30 a.m. – 4:00 p.m.**

**Case No. CBA-2834 [CBA-2833]**

**PETITION OF KENNETH H. KELLEY**

**RESOLUTION TO REVOKE SPECIAL EXCEPTION**

(Resolution Adopted March 19, 2008)

(Effective Date of Resolution: May 2, 2008)

The Board of Appeals has received a memorandum from Barbara J. Piczak, Inspector, Department of Permitting Services. Ms. Piczak's February 21, 2008 memorandum states:

"An inspection of the premises located at 18 Diller Court revealed that the use for which special exception CBA-2834 was granted, to permit a private riding stable for up to two horses, has been abandoned. The petitioner confirmed the abandonment in the attached written statement.

Ms. Piczak attaches a letter from Kenneth H. Kelley which states that the special exception "...has been abandoned. We moved from this address over 26 years ago."

The Board of Appeals granted Case Nos. CBA-2833 and CBA-2834 to Kenneth H. Kelley on June 18, 1970, to permit variances and a special exception for a private riding stable. The subject property is Lot 13, Block B, Beau Monde Estates, 18 Diller Court, Boyds, Maryland 20841, in the R-200 Zone.

The Board of Appeals considered Ms. Piczak's memorandum and Mr. Kelley's letter at its Worksession on March 19, 2008. The Board finds that the special exception is abandoned. Therefore, on a motion by David K. Perdue, seconded by Wendell M. Holloway, with Caryn L. Hines and Allison Ishihara Fultz, Chair, in agreement, and Catherine G. Titus, Vice-Chair necessarily absent:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-2834 [CBA-2833] is re-opened to receive Barbara Piczak's memorandum dated February 21, 2008, with attachments; and

**BE IT FURTHER RESOLVED** by the Board of Appeals for Montgomery County, Maryland that Case No. CBA-2834 [CBA-2833], Petition of Kenneth H. Kelley, is **revoked** as abandoned.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 2<sup>nd</sup> day of May, 2008.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.